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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,909	12/20/2001	Yoko Yamaga	P67437US0	2112

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,909

Applicant(s)

YAMAGA, YOKO

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yukie et al (6,956,833)** in view of **Shteyn (6,611,654)**.

As to claim 24, note the **Yukie** reference figures 1-2, discloses method, system and device for wireless data storage on a server and data retrieval and further discloses a digital content-data distribution system comprising:

An order terminal (User Device 'UD' 10, fig.1 and col.3, lines 29-55) via which a user selects data to be downloaded to a user memory carried by the user or a package medium for content data that the user wants to by (col.4, line 1-22, line 40-63, col.6, line 19-53 and col.13, line 1-22);

A delivery center (Data Server 'DS' 16) including an order-accepting unit (DS-16 processor) to accept an order placed by the user for the package medium when the user selects the package medium via the order terminal, a stock-managing unit to check the medium whether there is a stock of the package medium and delivery unit to deliver the package medium to a user's designated place when there is the stock (col.6, line 19-53, col.13, line 1-22 and col.18, line 51-col.19, line 40).

Yukie, teaches a hand-held device that communicates to a server to request services including stocks and receives the requested services irrespective of the user locations, but is silent to where the user designates a place to deliver the stock.

However, note the **Shteyn** reference figures 1-4, discloses a time and location-driven personalized TV where a user with a remote access device, e.g., a cell phone or laptop, can request for service and indicate a designated place of delivery (col.2, line 42-col.4, line 2 and lines 19-43).

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Shteyn into the system of Yukie to provide a user the flexibility of indicating to the ordering server, a desired location where packages or content can be delivered to and furthermore provide more degree of freedom to the end user.

As to claim 25, the claimed "a digital content-data distribution system..." is composed of the same structural elements that were discussed with respect to the rejection of claim 24.

As to claim 26, the claimed "a method of distributing digital content data..." is composed of the same structural elements that were discussed with respect to the rejection of claim 24.

As to claim 27, the claimed "a method of distributing digital content ..." is composed of the same structural elements that were discussed with respect to the rejection of claim 24.

Response to Arguments

3. Applicant's arguments with respect to claim 24-27 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the claims necessitated the new ground(s) of rejection discussed above. **This office action is made final.**

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bezos et al (6,606,608) disclose method and system for providing a discount at an auction.

Boyd (6,484,148) discloses electronic advertising device and method of using the same.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



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